

Message Text

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PAGE 01 NEW DE 03752 121404Z

12

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R 120942Z MAR 76

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 4613

C O N F I D E N T I A L NEW DELHI 3752

FOLLOWING SENT ACTION NEW DELHI INFO BOMBAY & CALCUTTA FROM
MADRAS MARCH 11, 1976 REPEATED FOR YOU

QUOTE

MADRAS 495

E.O. 11652: GDS

TAGS: PINT, IN

SUBJECT: DMK'S WRIT PETITION IN MADRAS HIGH COURT

REF: A) MADRAS 460, B) MADRAS 492

1. CONTRARY TO CHIEF JUSTICE K. VEERASWAMI'S INSISTENCE THAT THE WRIT PETITION FILED BY THE DMK IN THE MADRAS HIGH COURT CHALLENGING THE IMPOSITION OF PRESIDENT'S RULE WAS "PENDING," THE CASE CAME UP ON MARCH 8 BEFORE A TWO-MAN BENCH CONSISTING OF THE CHIEF JUSTICE AND JUSTICE S. SURYAMURTHI. AT THAT TIME, GOI ADDITIONAL SOLICITOR GENERAL V. P. RAMAN, WHO IS HANDLING THE CASE FOR THE GOVERNMENT OF INDIA, REQUESTED AN ADJOURNMENT AND THE CASE WAS ADJOUNED UNTIL MARCH 29.

2. AS NEARLY AS WE CAN DETERMINE FROM DMK SOURCES HERE, THE MADRAS PETITION IS VERY SIMILAR TO THE ONE FILED IN THE NEW DELHI HIGH COURT, AND ATTEMPTS TO ESTABLISH THAT THE IMPOSITION OF PRESIDENT'S RULE IN TAMIL NADU WAS POLITICALLY MOTIVATED. THE DMK DOES NOT BELIEVE THAT THE PRESIDENT'S ACTION CAN BE
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PAGE 02 NEW DE 03752 121404Z

REVERSED, BUT THE PARTY APPARENTLY WANTS TO MAKE ITS CASE

BEFORE THE PUBLIC FOR FUTURE REFERENCE. ADDITIONALLY, AS WE HAVE REPORTED PREVIOUSLY, KARUNANIDHI AND OTHERS WANT TO CLEAR THEIR NAMES BY PROVING THAT THERE WAS NO BASIS FOR THE GOVERNOR'S CHARGES OF CORRUPTION.

3. COMMENT: WE ASSUME THE GOI REQUESTED ADJOURNMENT BECAUSE (A) IT BELIEVES THE NEW DELHI HIGH COURT WILL REFUSE TO UPHOLD THE MAINTAINABILITY OF THE CASE, ESTABLISHING A PRECEDENT FOR THE MADRAS CASE, OR (B) IT KNEW IT WOULD BE PRESSING CHARGES AGAINST CHIEF JUSTICE VEERASWAMI AND WANTED TO DELAY THE CASE UNTIL THE NEW CHIEF JUSTICE TAKES OVER. WHATEVER THE REASON, THE PETITION IS PART AND PARCEL OF THE CENTER DMK STRUGGLE AND REPRESENTS AT THIS TIME THE ONLY DMK EFFORT TO FIGHT BACK. SINCE THE CENTER HAS ASSAULTED THE DMK FROM ALL SIDES, IT IS LOGICAL TO CONCLUDE THE PETITION HAS LITTLE CHANCE OF SUCCESS. IN THIS REGARD IT IS WORTH NOTING THAT THE NEW CHIEF JUSTICE, P.S. KAILASAM, IS A FRIEND OF GOI FINANCE MINISTER C. SUBRAMANIAM AND IS SAID TO BE PRO-CONGRESS. SIGNED MCCASKIL
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